

APPEAL NO. 032080  
FILED SEPTEMBER 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 9, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury, that because there is no compensable injury, there can be no disability, and that the claimed injury was not caused by the claimant's willful intention and attempt to injure himself, relieving the carrier of liability for compensation. The claimant appealed the compensability and disability determinations, principally on a sufficiency of the evidence basis. The respondent (self-insured) urges affirmance. The hearing officer's determination that the claimed injury was not caused by the claimant's willful intention and attempt to injure himself was not appealed and is now final pursuant to Section 410.169.

DECISION

Affirmed.

The claimant was an employee of an institution for handicapped individuals. The claimant testified that on \_\_\_\_\_, at about 5:30 p.m. he slipped in the cafeteria and an individual that he was assisting to the individual's room fell on top of him, injuring his back. There is evidence that on \_\_\_\_\_, at about 4:30 p.m., the claimant received a letter notifying him to appear before his supervisor on January 24, 2003, to answer charges of insubordination involving an incident that happened at work earlier in the week. The claimant subsequently resigned his position at the school and in February 2003 began working for a new employer, a beer distributor, with duties involving operating a forklift and delivering beer to retail customers. The claimant learned of his herniated disk on March 5, 2003, and was removed from working status by his treating doctor.

We have reviewed the complained-of determinations and find that they are supported by sufficient evidence to be affirmed. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Because we are affirming the hearing officer's determination that the claimant had not sustained a compensable injury, the claimant cannot, by definition in Section 401.011(16), have disability.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

---

Thomas A. Knapp  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Edward Vilano  
Appeals Judge